

ORDINANCE NO. 96-90 AC CMS

AN ORDINANCE ESTABLISHING A BUILDING DEPARTMENT AND REQUESTING
CERTIFICATION TO ENFORCE THE OHIO BASIC BUILDING CODE WITHIN THE
CITY OF OBERLIN AND DECLARING AN EMERGENCY

WHEREAS, the City of Oberlin desires to enforce the Ohio Basic Building code (hereinafter referred to as OBBC) for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration and maintenance of buildings, excepting agricultural and one-, two-, or three-family residential; and,

WHEREAS, the City of Oberlin seeks to obtain the authority to enforce the provisions of OBBC through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Chapter 4101:2-1-1 to 4101:2-1-51 of the Ohio Administrative Code, collectively known as the "Ohio Basic Building Code", shall apply and be enforced within the City of Oberlin.

SECTION 2. There is hereby established a Building Department and the office of Building Official of the City of Oberlin to enforce said provisions. Said Building Official shall have full authority to enforce all laws, statutes, and regulations as provided and authorized in the Ohio Revised Code and the Ohio Administrative Code pursuant to the certification approved by the Ohio Board of Building Standards.

SECTION 3. **KENNETH R. KLINGSHIRN**, a State Certified Building Official, is hereby appointed to enforce the OBBC within the City of Oberlin and is directed to make application for department certification to the Ohio Board of Building Standards. Designation of personnel as required by Section 4101:2-1-45 of the OBBC shall be as stated in Exhibit "A" attached. Designation of replacement personnel will be made by the City Manager. The appointment of **KENNETH KLINGSHIRN** may be revoked at any time.

SECTION 4. Fees for building permits issued for construction pursuant to the OBBC shall be as set forth in Exhibit B attached. Fees for plumbing permits shall be a duplication of the fee required for electrical permits. All fees collected shall be subject to an additional three percent (3%) assessment to be remitted to the State Board of Building Standards, in accordance with MAS Bulletin dated July 21, 1992, and shall be deposited as indicated in Section 5.

SECTION 5. All fees collected for building permits as required by this ordinance shall be deposited into a Special Revenue Fund titled "Building Permit Fund", which is hereby created, and shall be disbursed as follows:

- a. The three percent (3%) assessment as referred to in Section 4 hereinbefore shall be remitted to the State of Ohio as indicated in MAS Bulletin dated July 21, 1993.
- b. Ten percent (10%) of the fees collected shall be transferred into the General Fund.
- c. Fifty percent (50%) of the fees collected shall be paid to the certified inspectors in accordance with the schedule of fees set forth in Exhibit B, as invoiced by the Building Official.
- d. Forty percent (40%) of the fees collected shall be paid to the Plan Review Architect and the Building Official, as invoiced by the Building Official.

SECTION 6. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7. That this ordinance is hereby declared an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, to-wit:

"To establish a certified Building Department for the City of Oberlin, Ohio, as soon as possible in order to ensure the health and safety of the citizens of the City of Oberlin, Ohio",

and shall take effect immediately upon passage.

PASSED: 1st Reading - September 16, 1996 (E)
2nd Reading:
3rd Reading -

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: September 17, 1996
C:\WPDOC\ORD\96-90

EFFECTIVE DATE: Sept 17, 1996

6/1/99

Eric Severz

has the original
of this contract
to use in court case.

A stylized handwritten signature, possibly reading "Eric Severz", written in black ink.

City of
Oberlin
85 South Main Street, Oberlin Ohio 44074

EMPLOYMENT CONTRACT

This agreement is entered into this 24th day of October 1996 by and between the City of Oberlin, Ohio, hereafter referred to as "City", and Kenneth Klingshirn, a sole proprietor, State Certified Building Official, hereafter referred to as "Building Official".

Whereas, the City is in need of assistance from a state certified building official to interpret the Ohio Basic Building Code, where applicable; and

Whereas, the City has made application to the State of Ohio for the establishment of a City Building Department; and

Whereas, the City desires to retain the services of Building Official for the express purpose of facilitating the development and certification process for rooming house owners and others falling under the Ohio Basic Building Code.

Now, Therefore, in consideration of these premises, and of the mutual covenants herein set forth, the parties agree as follows:

I. Services of the Building Official: The Building Official agrees to furnish and perform the following professional services:

- A. Serve as a Building Code Consultant, providing expert advice to the City and residents on matters contained in or otherwise pertaining to the Ohio Basic Building Code, as directed by the City. It is understood that until such time as the City receives formal notice from the State of Ohio establishing a Building Department, the building Official's services are advisory in nature.
- B. Conducting site visits, upon approval of the City.

- C. Assist property owners to achieve compliance with City and State of Ohio Building Codes and regulations. This may include direct consultation with property owners to assist in their preparation of plan submittal, and indicating what modifications or additional information is necessary.
- D. All services to be performed shall be on an as-needed basis, part-time, and shall not prohibit the Building Official from holding other employment.
- E. The Building Official shall submit such reports to the City as it may require.

II. Performance by City: This agreement is based on the understanding that the City, without expense to the Building Official, will:

- A. Handle initial contacts with property owners, and provide forms with which to track projects and billable hours.
- B. Provide temporary office space to the Building Official, if requested, as well as use of City-owned telephone, fax, copier, mail service, filing, and secretarial assistance, as deemed necessary by both parties.

III. Compensation:

- A. As compensation, the Building Official shall receive \$20.00 per hour for all documented hours approved by the City.
- B. No compensation shall be paid for travel. The Building Official shall provide his own vehicle.
- C. The Building Official shall not be entitled to any vacation leave, sick leave, health care coverage, clothing, unemployment compensation or any other fringe benefit.
- D. The Building Official shall not be provided any workers compensation coverage, and as a sole proprietor, is not required to furnish proof of

coverage. The Building Official shall indemnify and hold CITY harmless therefrom.

The Building Official shall not be entitled to participate in PERS and no deductions thereof shall be made from the Building Official's compensation. It is understood and agreed that CITY will timely deliver the Building Official an IRS form 1099 on a yearly basis and that it will not withhold sums from the Building Official's compensation for federal, state and local income taxes and for Medicare and Social Security. The Building Official is solely responsible for timely payment of such charges and shall indemnify and hold CITY harmless therefrom.

III. TERM. The term of this contract shall be for an indefinite period of time. The Building Official understands and agrees that he serves at the pleasure of the CITY and that his employment can be terminated at any time by CITY, without notice or cause. In the event of termination, CITY shall not be liable to the Building Official for unemployment compensation.

IV. MISCELLANEOUS. This Contract contains the entire agreement of the parties and no part of this contract may be amended except in writing which is duly executed by the parties.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if the invalid, illegal or unenforceable provision had never been contained in it.

This contract shall be construed in accordance with the laws of the State of Ohio and any disputes arising herefrom shall be decided in the courts of Lorain County.

IN WITNESS WHEREOF, the parties have executed this Contract as of the day and year first written above.

Executed this 24TH day of October, 1996, at Oberlin, Ohio.

City of Oberlin


City Manager

Building Official


Kenneth Klingstern


Fire Chief


Code Enforcement Officer

Approved as to Form



City Solicitor

EXHIBIT A
ORDINANCE NO. 96-90

As required by Section 4101:2-1-45 of the Ohio Administrative Code and authorized by Ordinance, the following personnel are designated to the positions indicated below:

Personnel may be discharged at any time.

All personnel shall be paid from fees collected, as indicated per Ordinance.

New personnel shall be designated as required under Section 4101:2-1-45 of the Ohio Administrative Code.

All personnel are sole proprietors.

TO POSITION OF:

Building Official	Kenneth Klingshim
Building Official Alternate	Gerald I. Klein
Plans Examiner	Ronald Landig
Plans Examiner Alternate	Marine Cornachione
Building Inspector	Kenneth Klingshim
Building Inspector Alternate	Gerald I. Klein
Electrical Inspector	Hawyard Talbot
Electrical Inspector Alternate	Eugene Kropf
Plumbing Inspector	Lou Klinar
Plumbing Inspector Alternate	Dick Klinar

explanatory key), by notation, or by other clearly understandable method. Spaces must be identified by code appellation, i.e., an "auditorium" may not be identified as "meeting room" if its size and function dictates that it is an auditorium;

4. All elevations necessary to completely describe the exterior of the building including floor to floor dimensions;
5. Cross sections, wall sections and detail sections, to scale, as may be required to describe the general building construction including wall, ceiling, floor and roof materials and construction; and details which may be necessary to describe typical connections, etc;
6. Complete structural description of the building on the above drawings or on separate drawings including size and location of all principal structural elements and a table of live loads used in the design of the building and computations, stress diagrams and other data sufficient to show correctness of plans;
7. Complete description of the mechanical, electrical and fire protection systems of the building on the above drawings or on separate drawings, including plumbing schematics and principal plumbing, heating, ventilation and air conditioning duct and piping layouts and lighting and power equipment layouts; and
8. Additional graphic or text information as may be reasonably required by the building official to allow him to review special or extraordinary construction methods or equipment.

(F) Upon application for construction document approval for buildings or portions thereof constructed of industrialized units authorized pursuant to Section 3781.12 of the Revised Code, the building official shall be provided with a copy of the industrialized unit manufacturer's "Letter of Authorization" in addition to documents as required by this rule for on-site construction, and documentation required by Rule 4101:2-1-18 of the Administrative Code.

(G) Before industrialized units(s) are set or installed on the site of intended use, the building official shall be provided with the following:

1. A copy of the construction documents approved by the board;
2. Details pertaining to on-site interconnection of modules or assemblies; and
3. The original "Letter of Certification" issued by the board with serial number(s) corresponding to the unit insignia number(s) stamped in red.

(H) Construction documents submitted that include construction of public swimming pools shall include documentation indicating approval of the pool construction documents by the Ohio Department of Health in accordance with Section 421.3 of the OBBC.

Effective: February 1, 1996

4101:2-1-20 PLANS, REQUIRED EVIDENCE OF RESPONSIBILITY

Required plans, when submitted for inspection as required under Rule 4101:2-1-17 of the Administrative Code, shall bear the identification of the person primarily responsible for their preparation and for the provisions for safety and sanitation shown therein.

Effective: July 1, 1979

4101:2-1-21 CONSTRUCTION DOCUMENTS EXAMINATION AND INSPECTION FEES

(A) Fees for construction documents submitted to and inspections made by certified building departments shall be in accordance with Rule 4101:2-1-50 of the Administrative Code.

(B) The fees for examination and processing of construction documents when required to be submitted to the division of industrial compliance for approval under Rule 4101:2-1-17 of the Administrative Code, shall be in accordance with Table 4101:2-1-21(B) of the Administrative Code.

Exception: Fees for alteration or change of occupancy as determined by the building official shall be based on the actual area affected by the alteration or change of occupancy which may extend beyond the limits of construction.

Table 4101:2-1-21 (B)

Type of Construction Documents	Processing Fee	Plan Examination Fee/100 sq. ft. gross area of each floor level
General and mechanical	\$150.00	\$4.50
Electrical	\$150.00	\$2.50
Automatic sprinkler and other fire suppression systems (all suppressed areas)	\$150.00	\$3.20
Industrialized unit	\$150.00	\$1.30

(C) The fee for preliminary construction document examination for the purpose of determining compliance with the provisions of the OBBC shall be fifty dollars per hour.

(D) The fee for each inspection, other than those required by Rule 4101:2-1-31 of the Administrative Code, shall be one hundred dollars per inspection. Requests for all inspections shall be in writing to the division of industrial compliance and the fee shall be paid prior to the inspection.

(E) In addition to the fees required by paragraphs (B), (C) and (D) of this rule, the superintendent of the Division of Industrial Compliance shall collect a fee, on behalf of the Board of Building Standards, of three dollars and twenty-five cents for each application for acceptance and approval of construction documents and for making inspections.

(F) The fee collected on behalf of the board in accordance with paragraph (E) of this rule shall be deposited by the Division of Industrial Compliance, pursuant to Section 121.084 of the Revised Code, to the credit of the board. The superintendent of the division shall report on the amount of the fees collected and deposited to the credit of the board not later than forty-five days following the end of the first full month's collection and then monthly thereafter.

(G) Any person who fails to pay an inspection fee required for any inspection conducted by the Department of Commerce pursuant to Chapters 3781. and 3791. of the Revised Code, except for fees charged for the examination and processing of construction documents, within forty-five days after the inspection is conducted shall pay a late payment fee equal to twenty-five per cent of the inspection fee.

Effective: February 1, 1996